

HOUSE No. 2092

By Mr. Torrasi of North Andover, petition of David M. Torrasi and others relative to regulating the use of recording devices in motor vehicles. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

David M. Torrasi	Bruce E. Tarr
David Paul Linsky	John W. Scibak

In the Year Two Thousand and Five.

AN ACT REGULATING THE USE OF RECORDING DEVICES IN MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 90 of the General Laws is hereby amended by inserting
- 2 after section 9D the following section:—
- 3 Section 9E. (a) A manufacturer of a new motor vehicle sold or
- 4 leased in this state, which is equipped with one or more recording
- 5 devices commonly referred to as “event data recorders (EDR)” or
- 6 “sensing and diagnostic modules (SDM),” shall disclose that fact
- 7 in the owner’s manual for the vehicle.
- 8 (b) As used in this section, “recording device” means a device
- 9 that is installed by the manufacturer of the vehicle and does one or
- 10 more of the following, for the purpose of retrieving data after an
- 11 accident:
- 12 (1) Records how fast and in which direction the motor vehicle
- 13 is traveling.
- 14 (2) Records a history of where the motor vehicle travels.
- 15 (3) Records steering performance.
- 16 (4) Records brake performance, including, but not limited to,
- 17 whether brakes were applied before an accident.
- 18 (5) Records the driver’s seatbelt status.
- 19 (6) Records whether the air bag deployed.

20 (7) Has the ability to transmit information concerning an acci-
21 dent in which the motor vehicle has been involved to a central
22 communications system when an accident occurs.

23 (c) Data described in subdivision (b) that is recorded on a
24 recording device may not be downloaded or otherwise retrieved
25 by a person other than the registered owner of the motor vehicle,
26 except under one of the following circumstances:

27 (1) The registered owner of the motor vehicle knowingly and
28 voluntarily consents to the retrieval of the information.

29 (2) In response to an order of a court having jurisdiction to
30 issue the order.

31 (3) For the purpose of improving motor vehicle safety,
32 including for medical research of the human body's reaction to
33 motor vehicle accidents, and provided the identity of the regis-
34 tered owner or driver is not disclosed in connection with the
35 retrieved data. The disclosure of the vehicle identification number
36 (VIN) for the purpose of improving vehicle safety, including for
37 medical research of the human body's reaction to motor vehicle
38 accidents, does not constitute the disclosure of the identity of the
39 registered owner or driver.

40 (4) The data is retrieved by a licensed new motor vehicle
41 dealer, or by an automotive technician for the purpose of diag-
42 nosing, servicing, or repairing the motor vehicle.

43 (d) A person authorized to download or otherwise retrieve data
44 from a recording device pursuant to paragraph (3) of subdivision
45 (c), may not release that data, except to share the data among the
46 motor vehicle safety and medical research communities, to
47 advance motor vehicle safety, and only if the identity of the regis-
48 tered owner or driver is not disclosed.

49 (e) (1) If a motor vehicle is equipped with a recording device
50 that is capable of recording or transmitting information as
51 described in paragraph (2) or (7) of subdivision (b) and that capa-
52 bility is part of a subscription service, the fact that the information
53 may be recorded or transmitted shall be disclosed in the subscrip-
54 tion service agreement.

55 (2) Subdivision (c) does not apply to subscription services
56 meeting the requirements of paragraph (1).

57 (f) This section applies to all motor vehicles manufactured on
58 or after July 1, 2005.